

Office of Superintendent of Schools
Board Meeting of July 14, 1999

June 30, 1999

Management and Accountability
Carol Cortes, Deputy Superintendent

SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: INITIAL READING 6Gx13-4A-1.01, EQUAL OPPORTUNITY EMPLOYMENT AND ASSIGNMENT

This item is submitted for consideration by the School Board to amend this rule, which contains the District's equal employment opportunity policy. Amendments include changes of a technical nature as well as revisions in the language of the item to reflect current applicable standards as delineated in federal/state enforcement regulations and court rulings in the area of discrimination/harassment.

Attached are the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rule 6Gx13- 4A-1.01, Equal Opportunity Employment and Assignment.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 4A-1.01, Equal Opportunity Employment and Assignment.

CC/reu

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 14, 1999, its intention to amend Board Rule 6Gx13- 4A-1.01, Equal Opportunity Employment and Assignment, at its meeting of August 25, 1999.

PURPOSE AND EFFECT: To revise the Board Rule to reflect current applicable standards as delineated in federal/state enforcement regulations and court rulings in the area of discrimination/harassment.

SUMMARY: Board Rule 6Gx13- 4A-1.01, Equal Opportunity Employment and Assignment, contains the District's policy of nondiscrimination in employment.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(17) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 112.042; 112.043; 230.23(5); 230.23005(6),(11); 230.33(7)(a),(b),(c),(d); 231.02 F.S.; 6A-19.010 FAC; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; Florida Educational Equity Act, F.S. 228.2001; the Americans with Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 25, 1999, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 9, 1999, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Rafael E. Urrutia
Supervisor: Ms. Carol Cortes
Date: June 30, 1999

Permanent Personnel**EQUAL OPPORTUNITY EMPLOYMENT AND ASSIGNMENT**

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and strives affirmatively to provide equal opportunity for all as required by state and federal law. The Board attempts to identify and overcome real or potential artificial barriers to employment, training, or promotional opportunities for its staff and applicants.

Employment: In recruiting applicants for School Board positions, the School Board encourages men and women to enter non-traditional occupational areas where their gender is under-represented.

The School Board continually develops and reviews job descriptions and entry qualifications in order to ensure that the tasks and duties required are reasonable and do not impose artificial barriers to qualified applicants.

It is the policy of the School Board that no person will be denied access, employment, training, or promotion on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, and that merit principles will be followed.

The School Board offers inservice training programs designed to assist employees in achieving new competencies and/or promotion.

Job advertising will be conducted in a manner designed to apprise persons of diverse backgrounds relative to gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, or disability, or who may be pregnant or experiencing pregnancy-related medical conditions, of the job advertised.

Assignment: Acceptance of a work location assignment is a condition of employment. *Pate v. Dade County School Board*, Case No. 69-1020-Civ-CA., order signed by Judge C. Clyde Atkins on 12/10/69. Failure of an employee to accept the assignment is grounds for termination.

**Employee
Relations:**

The Board does not believe that democracy can be taught in the Miami-Dade County Public Schools without demonstrating its belief in democracy in the way the schools are operated.

All employees are hereby notified that they are expected to teach or work with other employees, to teach students, and to supervise or be supervised in their work by other employees without regard for the gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability of the individual. This is a unitary school system and should be understood as such by all persons connected with it.

It is understood that harassment or discrimination based on an employee's gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability is a violation of state and federal laws and a breach of the School Board's Equal Opportunity Employment and Assignment Policy, which shall be grounds for disciplinary action including but not limited to a discharge.

Sexual harassment, including same sex harassment, is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. It is defined as a ~~A~~ pattern of behavior that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ~~constitute sexual harassment~~ when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Such conduct needs to be severe or pervasive.

Complaints: Complaints alleging employment harassment or discrimination on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability should be referred to the Division of School Board's Equal Educational and Employment Opportunity office, and Advocacy.

Specific Authority: 230.22(2); 230.23(17) F.S.

Law Implemented, Interpreted, or Made Specific: 112.042; 112.043; 230.23(5); 230.23005(6),(11); 230.33(7)(a),(b),(c),and(d); 231.02 F.S.; 6A-19.010 FAC; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; Florida Educational Equity Act, F.S. 228.2001; and the Americans ~~W~~with Disabilities Act of 1990-; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 8-19-81; 6-8-94